

REMARKS

This is in response to the Office Action mailed on January 19, 2012. An RCE is being filed along with this amendment. Claims 1, 4, 7-9, 13-17, 20-21, 29-33, and 44-51 were pending in that action and all claims were rejected. With the present response, claims 1, 4, 7-9, 15-17, 32-33, 44, and 46 are amended, and the remaining claims are unchanged. Consideration and allowance of all pending claims are respectfully solicited in light of the following comments.

35 USC §112 Rejections

On pages 3-4 of the Office Action, the Examiner rejected claims 17, 20-21, 29-33, and 45-49 under 35 USC §112 for failing to comply with the written description requirement. Applicant respectfully disagrees with the rejections. However, in an effort to expedite prosecution of this case, Applicant has amended the claims such that they are even more consistent with the written description. The claim amendments are supported for example by page 4, lines 11-21 of the specification and by page 9, lines 5-20 of the specification.

Applicant respectfully contends that at least as amended that each of the claims satisfies 35 USC §112. For instance, amended claim 17 recites comparing changes in ambient temperature, ambient light level, and ambient infrared radiation to threshold values. Claim 17 then goes on to recite determining that a capture condition is satisfied based on one of the changes being greater than its corresponding threshold value. These features are supported for example by page 4, lines 11-21 of the specification that describes monitoring various levels (e.g. audio, angle, light, ambient temperature, etc.) and comparing changes in the levels to threshold values. Accordingly, claim 17 is well-supported by the application. The other claims have similarly been amended such that they are also well-supported by the application. Applicant therefore respectfully requests that the 35 USC §112 rejections be withdrawn.

35 USC §103 Rejections

On pages 4-6 of the Office Action, the Examiner rejected claims 1, 4, 8-9, 15, 44, and 50-51 under 35 USC §103 as being unpatentable over Lemelson U.S. Pat. No. 4,901,096 (hereinafter “Lemelson”) in view of Ishibashi U.S. Pat. No. 6,558,050 (hereinafter “Ishibashi”). On pages 6-7 of the Office Action, the Examiner rejected claim 7 under 35 USC §103 as being unpatentable

over Lemelson in view of Ishibashi and in further view of Yoshihiro et al. JP- 2000-196934 (hereinafter “Yoshihiro”). On pages 7-8 of the Office Action, the Examiner rejected claims 13-14 under 35 USC §103 as being unpatentable over Lemelson in view of Ishibashi and in further view of Grosvenor et al. U.S. Pat. Pub. 2003/0025798 (hereinafter “Grosvenor”), and on pages 8-9 of the Office Action, the Examiner rejected claim 16 under 35 USC §103 as being unpatentable over Lemelson in view of Ishibashi and in further view of Moultrie, Jr. U.S. Pat. No. 2002/0159770 (hereinafter “Moultrie”). As is discussed below, Applicant respectfully contends that the claims include limitations and combinations of limitations that are not anticipated by or obvious in view of the cited references. Accordingly, Applicant respectfully contends that the claims are patentable and respectfully requests that the rejections be withdrawn.

Claim 1:

Claim 1 has been amended to recite that the plurality of environmental sensors are adapted to monitor “ambient temperature, ambient light level, and ambient infrared radiation,” and that the controller automatically sends a signal to a shutter control line based on a determination that a change in one of “the ambient temperature, the ambient light level, and the ambient infrared radiation is detected.”

The claim amendment is well-supported throughout the application as originally filed. The amendment is supported for example by elements 300 and 322 in FIG. 3, by page 4, lines 11-22 of the specification, by page 9, lines 5-14 of the specification, and by page 10, lines 3-9 of the specification. For instance, FIG. 3 shows a recall device 300 that may optionally include a light level sensor 332 and a temperature sensor 322. Also for instance, page 9, lines 5-14 of the specification states that other exemplary components for monitoring sensor data include “a passive infrared radiation detector (e.g., a Seiko Passive infrared temperature detector) for detecting humans up to 2.5m from the wearer.”

In rejecting claim 1 on page 5 of the Office Action, the Examiner stated that the claimed plurality of environmental sensors are disclosed by column 3, lines 5-11 of Lemelson. Applicant respectfully contends that amended claim 1 is patentably distinguishable from Lemelson.

Column 3, lines 5-11 of Lemelson states that: “the camera shutter 20 [is] operated thereby to open and close during a select time interval as preset or predetermined in accordance with photographing variables defined by signals derived from one or more sensors sensing ambient light, distance to subject and/or other variables and connected to the microprocessor or computer 11 or an auxilliary microprocessor cooperating therewith.”

In light of the above, Lemelson may arguably under a broad interpretation disclose a plurality of environmental sensors. In particular, Lemelson may arguably disclose sensors that monitor ambient light and a distance to a subject. Amended claim 1 on the other hand recites the plurality of environmental sensors monitor ambient temperature, ambient light level, and ambient infrared radiation. Lemelson clearly does not disclose this combination of multiple ambient conditions. For instance, Lemelson does not disclose monitoring ambient temperature or ambient infrared radiation.

For at least the reasons discussed above, Applicant respectfully contends that claim 1 is patentable. Applicant respectfully requests that the rejection be withdrawn and that the claim be allowed.

Claims 4, 7-9, 13-16, 44, and 50-51:

Claims 4, 7-9, 13-16, 44, and 50-51 are dependent upon claim 1. Each of the claim amendments is well-supported throughout the application as originally filed. The claim 7 amendment is supported for example by page 4, lines 11-22 of the specification. The claim 9 amendment is supported for example by FIG. 3 and by page 9, lines 5-14 of the specification, and the claim 44 amendment is supported for example by page 9, lines 10-11 of the specification.

Applicant respectfully contends that the claims are patentable at least based on their dependencies upon the patentable independent claim 1 discussed above. Additionally, in light of the claim amendments, each of the dependent claims now recites a new limitation and/or a new combination of limitations that has not been previously considered by the Examiner. Applicant respectfully contends that these new limitations and/or combinations of limitations are patentable based upon their own merits. For instance, amended claim 44 recites that the plurality of environmental sensors includes a chemical sensor. Applicant has reviewed the cited references,

and Applicant respectfully contends that they do not teach, suggest, or provide any motivation to include such features. The other claims similarly recite features that are not taught or suggested by the cited references. Applicant therefore respectfully contends that claims 4, 7-9, 13-16, 44, and 50-51 are patentable. Applicant respectfully requests that the rejections be withdrawn and that the claims be allowed.

Conclusion

It is respectfully submitted that all claims are now in condition for allowance. Accordingly, consideration and allowance of all pending claims are respectfully solicited. Applicant also respectfully requests that in the event that the Examiner does not find the independent claims patentable, that the Examiner consider allowance of one or more of the dependent claims. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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